

REMARKS

Claims 1-4 and 7-35 are pending in the application. Claims 5 and 6 have been cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

INTERVIEW SUMMARY

Applicants wish to thank the Examiner for the interview conducted on February 12, 2008. During the interview, the Examiner and Applicants' attorneys discussed the outstanding rejections of the claims under 35 U.S.C. § 102 and 35 U.S.C. § 103. Specifically, the Examiner and Applicants' attorneys discussed the memory element of Claim 1. The specific matters discussed during the interview are addressed in the Remarks below.

REJECTIONS UNDER 35 U.S.C. § 102

Independent Claims 1 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication 2003/0058471 to Okubo. Applicants respectfully traverse these rejections for at least the reasons set forth below.

Independent Claim 1 has been amended to further recite a system that includes a memory comprising firmware executable by the processor to cause the processor to transmit first information associated with a selection to a server, receive second information from the server where the second information is based on the first information, and change the first state associated with the capability to a second state in response to receiving the second information from the server. At a minimum, the Okubo reference fails to disclose or suggest these features.

The Examiner asserts that the Okubo reference discloses the memory as called for by the present application. However, a more accurate reading of Okubo reveals that the reference provides for an image processing apparatus which automatically installs new processing programs and upgrades existing image processing programs in the image processing apparatus without conducting a test installation (Paragraph 0008). Prior to a function enhancement unit 18 of a print controller 10 performing an enhancement to various image processing programs of the image processing apparatus, an enhance control unit 19 of the print controller 10 determines whether upgrading or adding an image processing operation is appropriate. Based on the determination result, the function enhancement unit 18 adds or upgrades programs. In other words, the print controller 10 automatically installs and/or upgrades processing programs in accordance with a predetermined routine. In contrast, independent Claim 1 calls for the transmission of information based on a selection (i.e., a customizable request) to a server. The server then transmits a response based on the selection that modifies a state of operation of a printer capability associated with the selection. As such, Applicants respectfully submits that Okubo fails to anticipate independent Claim 1. Applicants also submit that a number of the Examiner's other assertions regarding Okubo are incorrect. However these issues are moot given the preceding discussion.

Because Okubo fails teach each and every element in the claims, Applicants respectfully request that the rejections against independent Claim 1 and its dependent claims be removed. Applicants note that independent Claim 9 has been amended to incorporate similar features as independent Claim 1 (e.g., transmitting a first selection to a server and receiving first information from the server where the first information is associated with the first selection). Therefore,

Applicants respectfully request that the rejections against independent Claim 9 and its dependent claims be removed as well.

REJECTIONS UNDER 35 U.S.C. § 103

Independent Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Okubo in view of U.S. Patent No. 7,231,369 to Hirabayashi. Applicants respectfully traverse these rejections for at least the reasons set forth below.

At the outset, Applicants note that independent Claim 17 has been amended to incorporate similar features as recited in independent Claims 1 and 9. Independent Claim 17 now recites a method that includes transmitting a selection to a server and receiving information based on the selection from the server. The proposed combination does not teach these elements.

The Examiner primarily relies on Okubo. However, as discussed above, Okubo fails to mention or suggest transmitting information based on a selection to a server and the server then transmitting a response based on the received selection. Hirabayashi fails to remedy the shortcomings of Okubo. As noted in the Office Action, the Examiner relies on Hirabayashi to disclose a system where information is received from a server (Office Action, Paragraph 2). Although Hirabayashi discloses communicating with a server, Hirabayashi is completely silent with regards to enabling a capability associated with a print engine based on a selection from a user which is transmitted to a server for processing. In contrast, as noted by the Examiner, Hirabayashi discloses transmitting information from a server in order to verify users of a system. Applicants also submit that a number of the Examiner's assertions regarding Hirabayashi are incorrect. However these issues are moot given the preceding discussion.

Thus, Applicants believe independent Claim 17 patentability distinguishes over the prior art. Therefore, Applicants respectfully assert that independent Claim 17 is patentably distinct from the combination proposed by the Examiner. As such, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections against independent Claim 17 and its dependent claims be removed.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact the undersigned attorney at (312) 321-4225.

Respectfully submitted,

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Date

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